

# Memorandum

MIAMI-DADE  
COUNTY

**Date:** January 20, 2005

**To:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**From:** George M. Burgess  
County Manager

Agenda Item No. 7(C)(1)(D)

**Subject:** Miami Sunshine Transportation, Inc. application for a transfer of Passenger Motor Carrier Certificate of Transportation No. 289

## RECOMMENDATION

It is recommended that the Board approve the transfer of Passenger Motor Carrier Certificate of Transportation No. 289 from Emilio A. Lopez, Inc. to Miami Sunshine Transportation, Inc.

## BACKGROUND

On February 17, 1981, the Board of County Commissioners adopted Ordinance 81-17, subsequently amended by Ordinance 85-20 on April 16, 1985, which regulates the passenger motor carrier industry in Miami-Dade County under Chapter 31 of the Code of Miami-Dade County.

Section 31-103 (m) of the Code provides the procedures to be followed by Miami-Dade County in processing transfer applications. No certificate may be sold, assigned or transferred to another until the proposed sale, assignment, or transfer has been approved by the County Commission. The Transportation Committee and Board of County Commissioners, in considering the proposed transfer of ownership or control of the certificate, shall determine, upon evidence submitted by the parties or any other party or person affected by the proposed transfer, whether or not said transfer is contrary to the public interest. The Commission may approve said transfer or refuse to approve said transfer upon such terms and conditions or may reasonably alter, restrict or modify the terms and provisions of such transfer where the same may best serve the public interest.

## ANALYSIS

Emilio A. Lopez, Inc. has filed an application to transfer Passenger Motor Carrier (PMC) Certificate of Transportation No. 289 to Miami Sunshine Transportation, Inc. The Code requires that such transfers be approved by the Board. PMC No. 289, originally issued on December 15, 1998, to Emilio A. Lopez, Inc., authorizes special operations service. Miami Sunshine Transportation, Inc., located at 7050 NW 177 Street #205, Miami, Florida, 33015, seeks to continue providing this class of service.

The company is required to adhere to the terms of the resolution, which approved the initial certificate (R-1376-98, attached). Miami Sunshine Transportation, Inc., seeks to transport resident and tourist groups to and from various locations throughout Miami-Dade County.

Transportation will be pre-arranged on a 24-hour minimum basis. These services will be provided seven days a week, 24 hours a day, using chauffeur driven vehicles with a seating capacity of nine or more, but less than 28 passengers, excluding the driver. The proposed rates are listed on the attached rate schedule.

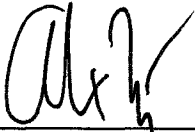
Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners  
Page 2

The management plan submitted by Osvaldo Torres, President of Miami Sunshine Transportation, Inc., includes maintenance, communication, and record keeping systems and meets the requirements of the Code. All required financial statements and credit references have been submitted and the proposed service standards adequately meet passenger transportation and comfort needs. A background investigation reveals no criminal conviction for the applicant or any corporate officers within five years of the date of the application.

As required by the Code, the applicant has provided disclosure of the terms and conditions regarding the transfer of the certificate. A Sales Agreement between Emilio A. Lopez, Inc. and Miami Sunshine Transportation, Inc. establishes the acquisition by Miami Sunshine Transportation, Inc. of PMC Certificate of Transportation No. 289 for a total price of five thousand dollars (\$5,000.00).

In accordance with Section 31-103 (e) of the Code, a 20-day notice of application was provided to all affected municipalities within Miami-Dade County, all passenger motor carrier certificate holders and interested parties. No protests were filed.

Attachments



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Alex Muñoz  
Assistant County Manager

ARTICLE III. PASSENGER MOTOR  
CARRIERS\*

Sec. 31-101. Transportation policy.

To assure the development and maintenance of a safe, healthy and efficient passenger transportation system for Miami-Dade County, the Commission, County Manager and County staff, in carrying out the duties and responsibilities prescribed in this article, shall consider the following as being in the public interest:

- (1) Reliance on market forces and on actual and potential competition among all transportation modes, so as to provide transportation services at competitive prices.
- (2) Coordination of regulatory decision-making with the transportation improvement plan, and the orderly development of an integrated transportation/transit system for Miami-Dade County so as to ensure the development and maintenance of a transportation/transit system responsive to the needs of the public, in which regulatory decisions are reached fairly and expeditiously, and with consideration of their costs and benefits.
- (3) Improvement of motor vehicle safety.
- (4) Achievement of County, national and State energy conservation goals.
- (5) Reduced concentration of market power, and prevention of unfair, deceptive, predatory or anticompetitive practices.
- (6) Reduction of restrictive regulatory barriers to entry into the industry and promotion of equal opportunities.
- (7) Promotion of the safety and welfare of the residents and visitors of Miami-Dade County who use the services of passenger motor carriers to meet their transportation needs.

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\*Editor's note—Ord. No. 81-17, adopted Feb. 17, 1981, did not specify manner of codification; therefore, inclusion of §§ 2—16 as Art. III, §§ 31-101—31-115, has been at the editor's discretion.

**MIAMI SUNSHINE TRANSPORTATION**

**PER PERSON ONE-WAY \$7.99**

HOTEL TO PORT OF MIAMI  
HOTEL TO INTERNATIONAL MALL  
HOTEL TO BAYSIDE  
HOTEL TO DOWNTOWN MIAMI

**PER PERSON ROUND TRIP**

SEAQUARIUM	\$45.00
PARROT JUNGLE	\$35.00
METRO ZOO	\$45.00

**PER PERSON**

MIAMI TO ORLANDO/DISNEY TO MIAMI	\$60.00
MIAMI TO TAMPA TO MIAMI	\$60.00
MIAMI TO KEY WEST	\$40.00
MIAMI TO MIAM BEACH TO MIAMI	\$15.00



## MEMORANDUM

Agenda Item No. 5(T)

TO: Honorable Chairperson and Members  
Board of County Commissioners

DATE: December 15, 1998

FROM: Merrett R. Stierheim  
County Manager

SUBJECT: Emilio A. Lopez, Inc.  
application for a Passenger  
Motor Carrier Certificate  
(PMC Control No. 383)

### RECOMMENDATION

It is recommended that the Board approve the application of Emilio A. Lopez, Inc. for a Passenger Motor Carrier Certificate of Transportation to provide pre-arranged special operations service.

### BACKGROUND

On February 17, 1981, the Board of County Commissioners adopted Ordinance 81-17, subsequently amended by Ordinance 85-20 on April 16, 1985, which regulates the passenger motor carrier industry in Miami-Dade County under Chapter 31 of the Code of Miami-Dade County.

Section 31-103 of the Code provides the procedures to be followed by Miami-Dade County in processing certificate applications. Based on those requirements, a public hearing has been scheduled before the Board of County Commissioners. At the conclusion of the public hearing the Board may issue or refuse to issue the certificate, or issue the certificate with such modifications or upon such terms and conditions as in its judgment the public interest may require. In reaching its determination, the Board shall consider the application, the County Manager's report and recommendation, all matters presented at the public hearing, and among others, the following criteria:

- (1) That the applicant is fit, willing and able in accordance with the requirements of this section, to provide the transportation to be authorized by this certificate and is able to comply with this article and regulations of the commission.
- (2) That the transportation to be provided under the requested certificate is consistent with the public interest.
- (3) That the proposed transportation service will improve the quality of transportation available to the public.

### ANALYSIS

Emilio A. Lopez, Inc., located at 1701 W. 42 Place, #62, Hialeah, Florida 33012, seeks to obtain a Passenger Motor Carrier Certificate of Transportation to provide pre-arranged special operations service transportation to passengers throughout all of Miami-Dade County. This class of service is defined as the transportation of persons to a common destination or series of common destinations where the person may be charged as an individual or as part of a group, including but not limited to charter, sightseeing, or subscription service, not between fixed terminals or on a regular route.

The company is a tour operator that seeks to transport resident and tourist groups to and from various locations throughout Miami-Dade County and other tourist oriented destinations in the state. Transportation will be pre-arranged one week in advance. These services will be provided seven days a week, 24 hours a day, using chauffeur-driven vehicles with a seating capacity of nine or more, but less than 28 passengers, excluding the driver. The proposed rates are listed on the attached rate schedule.

The management plan submitted by Mr. Emilio A. Lopez, Inc., President of Emilio A. Lopez, Inc., includes maintenance, communication, and record keeping systems and meets the requirements of the Code. All required financial statements and credit references have been submitted and the proposed service standards adequately meet passenger transportation and comfort needs. A background investigation reveals no criminal conviction for the applicant or any corporate officers within five years of the date of the application.

In accordance with Section 31-103(e) of the Code, a 20-day notice of application was provided to all affected municipalities within Miami-Dade County, all passenger motor carrier certificate holders and interested parties. No protests were filed.

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Approved \_\_\_\_\_ Mayor

Agenda Item No. 5 (T)  
12-15-98

Veto \_\_\_\_\_

Override \_\_\_\_\_

RESOLUTION NO. R-1376-98

RESOLUTION APPROVING APPLICATION FOR ONE  
CERTIFICATE OF TRANSPORTATION TO EMILIO A.  
LOPEZ, INC. TO PROVIDE SPECIAL OPERATIONS  
SERVICE AS A PASSENGER MOTOR CARRIER

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

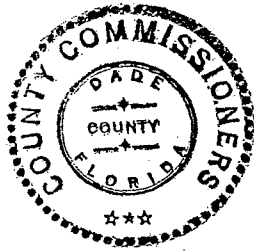
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that in accordance with Chapter 31 of the Code, a Certificate of Transportation to provide special operations passenger motor carrier service to a common destination or series of common destinations in Miami-Dade County, as recommended by the County Manager, be issued to Emilio A. Lopez, Inc.

The foregoing resolution was offered by Commissioner ~~DR. Barbara M. Carey~~, who moved its adoption. The motion was seconded by Commissioner ~~Gwen Margolis~~ and upon being put to a vote, the vote was as follows:

Dr. Miriam Alonso	aye	Bruno A. Barreiro	absent
Dr. Barbara M. Carey	aye	Miguel Diaz de la Portilla	aye
Betty T. Ferguson	aye	Gwen Margolis	aye
Natacha Seijas Millan	aye	Jimmy L. Morales	aye
Dennis C. Moss	aye	Pedro Reboredo	absent
Dorin D. Rolle	aye	Katy Sorenson	absent
Javier D. Souto			absent

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The Chairperson thereupon declared the resolution duly passed and adopted this 15th day of December, 1998. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.



MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

HARVEY RUVIN, CLERK

By: **KAY SULLIVAN**  
Deputy Clerk

Approved by County Attorney as to  
form and legal sufficiency. GKS

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MIAMI-DADE COUNTY

PUBLIC NOTICE

THE TRANSPORTATION COMMITTEE OF THE BOARD OF COUNTY COMMISSIONERS of Miami-Dade County, Florida will meet on Friday, November 12, 2004 at approximately 2:00 p.m., in the County Commission Chambers, Second Floor, Stephen P. Clark Center, 111 NW First Street, Miami, Florida to consider:

Resolution approving transfer of Certificate of Transportation No. 289 to Miami Sunshine Transportation, Inc., to provide special operations services as a passenger motor carrier.

*A person who decided to appeal any decision made by the Transportation Committee of the Board of County Commissioners, with respect to any matter considered at its hearing, will need a record of the proceedings. Such person may need to ensure that a verbatim record of the proceedings is made including the testimony and evidence upon which the appeal is to be based.*



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** January 20, 2005

**FROM:** Robert A. Ginsburg  
County Attorney

**SUBJECT:** Agenda Item No. 7(C)(1)(D)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved \_\_\_\_\_ Mayor

Agenda Item No. 7(C)(1)(D)

Veto \_\_\_\_\_

01-20-05

Override \_\_\_\_\_

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION APPROVING TRANSFER OF CERTIFICATE  
OF TRANSPORTATION NO. 289 TO MIAMI SUNSHINE  
TRANSPORTATION, INC., TO PROVIDE SPECIAL  
OPERATIONS SERVICE AS A PASSENGER MOTOR  
CARRIER**

**WHEREAS**, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY  
COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that in accordance with Chapter 31 of the Code, the transfer of Certificate of Transportation No. 289 to Miami Sunshine Transportation, Inc., to provide special operations passenger motor carrier service to a common destination or series of common destinations in Miami-Dade County is approved.

The foregoing resolution was offered by Commissioner  
who moved its adoption. The motion was seconded by Commissioner  
and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman  
Dennis C. Moss, Vice-Chairman

Bruno A. Barreiro  
Jose "Pepe" Diaz  
Sally A. Heyman  
Dorrin D. Rolle  
Katy Sorenson  
Sen. Javier D. Souto

Dr. Barbara Carey-Shuler  
Carlos A. Gimenez  
Barbara J. Jordan  
Natacha Seijas  
Rebeca Sosa

The Chairperson thereupon declared the resolution duly passed and adopted this  
20th day of January, 2005. This Resolution and contract, if not vetoed, shall become  
effective in accordance with Resolution No. R-377-04.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by County Attorney as  
to form and legal sufficiency. GKS

By: \_\_\_\_\_  
Deputy Clerk

Gerald K. Sanchez